IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7577 of 1997

Between:

G.Rajasekhar Reddy, S/o Obul Reddy,

P.G.Teacher (Maths), A.P.S.W.Residential School (boys)

Ardhaveedu, Prakasam District.

..... PETITIONER

AND

1. A.P.Social Welfare Residential Educational Institutions Society,

Hyderabad, rep. by its Secretary.

2. The Principal, A.P.S.W. Residential School (Boys)

Ardhaveedu, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction particularly one in the nature of Writ of Mandamus declaring that the Rule 7(b) of Discipline and Appeal Rules of A.P.S.W.R.E.I.Society, Hyderabad, providing for suspension of an employee if he is in custody for more than 48 hours without giving any guidelines is wholly illegal and arbitrary and consequently declaring the action of the respondent sin keeping the petitioner under suspension by proceedings Rc.No.Z-III/2661/97, dated 02-04-1997 as wholly illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent No. : MR.VIJAYA BHASKAR MOOLA

The Court made the following:

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O R D E R:

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Heard both sides.

The petitioner, who is an employee of the respondent-Society, filed this writ petitioner, *inter alia,* seeking to assail the order of suspension dated 02-04-1997 passed by the respondent-Society alleging that he was in custody for more than 48 hours.

The case of the petitioner is that he was arrested on 14-03-1997 on the charge of illegal possession of whiskey bottle in violation of prohibition orders and was released on bail on 17-03-1997. Subsequently, on 02-04-1997, the impugned order of suspension was passed on the ground that he has been detained in custody for more than 48 hours.

Admittedly, this Court granted interim suspension dated 19-04-1997 in W.P.M.P.No.9184 of 1997 and the same is still subsisting.

The case of the petitioner is that the offence alleged against him is totally different and the same has nothing to do with his regular duties. Be that as it may, the fact remains that the petitioner was arrested and was released on bail and criminal prosecution is going on. However, taking into consideration the fact that the impugned

order of suspension has been suspended by this Court and the same is still subsisting, it is not necessary to go into the merits of the case.

The writ petition is disposed of directing the respondents to take final action against the petitioner basing on the orders to be passed in the criminal case pending against him, in accordance with law. No costs.

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(**B. PRAKASH RAO, J**)

Date: 26-11-2004

ghn

To

1. The Secretary, A.P.Social Welfare Residential Educational Institutions Society, Hyderabad.

2. The Principal, A.P.S.W. Residential School (Boys) Ardhaveedu, Prakasam District.

3. Two C.D copies.